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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/538,513	03/30/2000	Fumio Sumi	43889-934	8512
20277	7590	11/24/2003	EXAMINER	
MCDERMOTT WILL & EMERY 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			LE, KIMLIEN T	
		ART UNIT	PAPER NUMBER	
		2653	12	
DATE MAILED: 11/24/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/538,513	SUMI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kimlien T Le	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 October 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2 and 5-11 is/are rejected.
- 7) Claim(s) 3-4 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 March 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

***Allowable Subject Matter***

1. Claims 3-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
2. The following is an examiner's statement of reasons for allowance:

In claim 3, the limitation of an optical disk controller, wherein the sampling interval setting portion sets the sampling interval according to the rotational speed of the optical disk, taken in conjunction with the limitations of claim 2, is not anticipated by, nor made obvious, over the prior art of record.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 5-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Imanaka et al.(U.S. Patent 5,155,716).

Regarding claim 1, see Figs. 1 and 2 of Imanaka et al. which show the optical disk controller for performing signal processing for an optical disk comprising: a status generator (Fig. 2; elements 21-32) for generating status reports each representing the operation state of the optical disk controller; and a status sampling section (Fig. 2; elements 33-34) for selectively sampling the status reports (see respective description of Fig. 2).

Regarding claim 2, see Figs. 2 and 3 of Imanaka et al. which show the optical disk controller of claim 1, wherein the status sampling section comprises a sampling interval setting portion for setting a status sampling interval (column 3, lines 10-15; column 5, lines 30-35).

Regarding claim 5, see Figs. 2 and 3 of Imanaka et al. which show the optical disk controller of claim 2, further comprising assigning means for allowing the sampling interval setting portion to set the sampling interval according to a command input externally (see respective description of Fig. 2).

Regarding claim 6, see Figs. 2 and 3 of Imanaka et al. which show the optical disk controller of claim 2, wherein the sampling interval setting portion sets the sampling interval according to an error rate of a signal demodulated from the optical disk (see respective description of Fig. 2).

Regarding claim 7, see Figs. 2 and 3 of Imanaka et al. which show an optical disk controller of claim 1, wherein the status sampling section comprises a sampling category storing portion that stores "sampling abort" status indicating that sampling operation should be aborted, and when the status report generated by the status generator matches with the "sampling abort" status stored in the sampling category storing portion, the sampling is discontinued (see respective description of Fig. 2).

Regarding claim 8, see Figs. 2 and 3 of Imanaka et al. which show the optical disk controller of claim 1, wherein the status sampling section comprises a sampling category storing portion that stores "forced sampling" status indicating that the status report should be forcibly output even during sampling operation, and when the status report generated by the status

generator matches with the "forced sampling" status stored in the sampling category storing portion, the status is output even during sampling operation(see respective description of Fig. 2).

Regarding claim 9, see Figs. 2 and 3 of Imanaka et al. which show the optical disk controller of claim 7 or 8, further comprising assigning means for setting sampling category information representing the relationship between a factor in the status report and sampling operation and storing the sampling category information in the sampling category storing portion (see respective description of Fig. 2).

With regard to claim 10, see Figs. 2 and 3 of Imanaka et al. which show the optical disk controller of claim 9, wherein the status sampling section (Fig. 2; elements 33-34) updates the sampling category information stored in the sampling category storing portion according to a signal demodulated from the optical disk (see respective description of Fig. 2).

With regard to claim 11, see Figs. 2 and 3 of Imanaka et al. which show an optical disk device comprising the optical disk controller, said optical disk controller comprising: a status generator (Fig. 2; elements 21-32) for generating status reports each representing the operation state of the optical disk controller; and a status sampling section (Fig. 2; elements 33-34) for sampling the status reports (see respective description of Fig. 2).

#### *Response to Arguments*

Applicant's arguments with respect to claimed invention have been considered but are moot in view of the new ground(s) of rejection.

#### *Point of Contact*

Art Unit: 2653

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimlien Le whose telephone number is 703 305 3498. The examiner can normally be reached on M-F 8a.m-5p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 703 305 6137. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9314 for regular communications and 703 872 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 3900.



THANG V. TRAN  
PRIMARY EXAMINER